

## **Can You Tell Your Blogging Employees To Blog Off?**

The issue of social networking in an employment context recently reared its head when Manchester United issued a web-statement advising fans that none of the team's players' 'own' any social networking sites, despite the fact that at least three high-profile players were believed to run personal Twitter sites. The club stated that it warns players not to engage in social networking – although whether it specifically instructed the players to close their sites is unclear.

This follows some previous high-profile disputes arising from Twitter use by other Premiership footballers. Darren Bent almost scuppered a transfer after criticising Tottenham chairman on Twitter during negotiations and Ryan Babel complained by 'tweet' about being dropped, prompting an angry response from Liverpool's manager Rafael Benitez.

The risks involved in using such sites are obviously not limited to sports stars and celebrities with their public image in mind. Worldwide, the number of cases involving employers who have disciplined staff for allegedly misusing sites such as Twitter and Facebook, either within or outwith working hours, is increasing. A throwaway comment about your manager's short fuse, a bigoted remark about a colleague, an unflattering office party photo posted online, or a rant about what you're currently working on to an online 'friend' could easily result in an employer taking disciplinary action.

A significant employment issue arising from social networking is that the vast majority of companies' employment contracts and additional policies covering acceptable use of electronic media do not adequately cover social networking sites. For example, many policies cover the use of email and internet facilities within the workplace but do not provide 'out-of-hours' activities or the use of social networks. At the other end of the scale, it's quite possible that a tribunal or court could find a policy unenforceable on the basis of it being too restrictive on employee activities, particularly where a policy covers the use of blogs or other networking sites outside working hours and in respect of non-working blogging.

Employers should strive to balance protecting their own interest (upholding the company's reputation, preventing confidential information being publicised and maintaining good relations in the workplace) while allowing for freedom of expression. It's vitally important that employers review disciplinary/acceptable use policies to ensure they reflect online behaviour changes, to minimise business risk.

However, despite the inherent risks involved in allowing employees to use social networking sites in their free time, social networking can be a useful way of promoting your company and should not necessarily be viewed negatively.

***For advice on social networking issues, employment contracts and related policies, please contact [valerie.surgenor@macroberts.com](mailto:valerie.surgenor@macroberts.com) or [karen.mcqill@macroberts.com](mailto:karen.mcqill@macroberts.com)***

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